

REMARKS

Claims 1-23 were originally filed in this application. In the outstanding Final Office action, claims 1-5, 7-12, 14-20, and 22-23 were rejected under §102 as anticipated by U. S. Patent No. 4,190,972 ("Berner"), and claims 6, 13, and 21 were rejected under §103 as being obvious over *Berner*. Reconsideration and withdrawal of the rejections is respectfully solicited.

Response to the §102 rejections

Claims 1, 9, and 16 as well as the claims dependent therefrom, specify, *inter alia*, a paddle having a pair of side walls and a bottom wall defining an open region. Applicant respectfully submits that *Berner* fails to disclose each and every element of the amended claims and, therefore, fails to anticipate the claims.¹

Berner discloses a snow remover that includes a rotor unit R having an elongate hollow cylindrical rotor 10, a pair of blade holders 11, and elongate snow removal paddles or blades 12 which are removably fastened to the blade holders 11 by fasteners 13. The pair of blade holders 11 are integrally formed with the rotor 10, and are located diametrically opposed on the rotor 10. (Column 3, lines 5-11). The rotor is rotatably supported on the spindle 14. (Column 3, lines 29-31). Additionally, as seen in Fig. 3 of *Berner*, the blades 12 extend radially outward from the spindle 14 and the rotor 10 over the entire length of the blades 12 and, as such, are oriented generally perpendicular to the rotation of the blades 12. *Berner*, however, does not disclose paddles having a pair of side walls, nor does *Berner* disclose a pair of side walls and a bottom wall defining an open region.

As a result, Applicant further disagrees with the Examiner comments in paragraph 5 on page 5 of the Final Office action, in which the Examiner alleges that *Berner* discloses an arcuate bottom wall. First, the "arcuate bottom wall" the Examiner is referring to is part of the housing and not part of the paddle as is recited in the claims. Second, the Examiner has totally missed or disregarded the recited "pair of side walls."

More specifically, as seen in Figures 5 and 6 of the present application, the paddles each include a first and a second side wall 74, 76, such that a cavity is created that is defined

¹ "Anticipation under 35 U.S.C. § 102 requires the disclosure in a single piece of prior art of each and every limitation of a claimed invention." *Rockwell International Corp. v. United States*, 47 USPQ2d 1027 (Fed. Cir. 1998).

by the side walls 74, 76, the bottom wall 70, and the rear wall 64. *Berner* discloses no such side walls or cavity. *Berner* simply discloses a plurality of blades 12 extending radially outward from the rotor 10. The blades 12 have no side walls, nor do the blades 12 have an arcuate bottom wall extending outwardly from the shaft first away from and then towards the direction of rotation.

Lastly, *Berner* also fails to disclose a motor housing and a drive housing disposed on the body ...wherein at least one of the motor housing and the drive housing includes a filter, thereby preventing particulates from contaminating the motor or the drive mechanism, as is recited in claim 16.

Berner discloses a snow remover having a motor and a drive assembly for operating in a snow environment. The motor and the drive assembly are both disposed in housing, but none of the housings include a filter as is recited in the claim. Additionally, there is no motivation for placing a filter in the snow remover, as the snow remover would not encounter particulates that could contaminate the motor or the drive mechanism.

As a result, Applicant further disagrees with the Examiner comments in paragraph 5 on page 5 of the outstanding Final Office action, in which the Examiner states that “*Berner*’s motor just like any other similar device required air to cool the motor, there is an inherent filter to prevent the motor/drive to be contaminated.” First, filters are not inherently used for motors or for drives. For example, the drive mechanism and motor disclosed in *Berner* do not include filters. Second, the Examiner has not provided a basis in fact and/or technical reasoning to reasonably support the determination that the filter in the motor housing or the drive housing necessarily flows from the teachings of the applied prior art.²

The Applicant, therefore, respectfully submits that the anticipation rejections should be withdrawn.

² “In relying upon the theory of inherency, the examiner must provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the applied prior art.” M.P.E.P. § 2112 IV.

Response to the §103 rejections

As a result of the above arguments, the §103 rejections of claims 6, 13, and 21 are moot. The Applicant, therefore, respectfully submits that the obviousness rejections should be withdrawn.

In light of the foregoing, the prompt issuance of a notice of allowance is respectfully solicited. Should the Examiner have any questions, he is respectfully invited to telephone the undersigned.

Respectfully submitted,

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